

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13467, of Dorothy J. Wade, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square foot minimum lot area requirements (Sub-section 3301.1) to use all floors and basement of the subject premises as an apartment house consisting of three units in an R-4 District at the premises 1116 Columbia Road, N.W., (Square 2853, Lot 857).

HEARING DATE: April 15, 1981  
DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located on the south side of Columbia Road, N.W., between 11th Street to the east and 12th Street to the west and is known as premises 1116 Columbia Road, N.W. It is in an R-4 District.
2. The property is rectangular in shape and consists of 2,273 square feet of land area. The lot is developed with a three story plus English basement, semi-detached dwelling of brick construction, dating back to 1910. There is room to park two cars on an existing concrete pad in the rear.
3. To the north of the subject site is Columbia Road, one-way westbound, followed by an apartment house in the R-4 District. To the east are row dwellings in the R-4 District. To the south is a sixteen foot wide public alley in the R-4 District, followed by the rear of row dwellings and to the west is the Elberon Apartment house, followed by another apartment house in the R-4 District. The applicant testified that the row houses are single family residences, flats, and multiple units.
4. A Certificate of Occupancy, dated February 5, 1959, was issued for the use of the subject premises as a flat and rooming house, less than five rooms on the third floor.
5. The applicant is requesting a variance from Sub-section 3301.1 of the Zoning Regulations. That section requires that, in the R-4 District, an order to convert a building to an apartment house containing three or more units, a minimum of 900 square feet of lot area per unit must be provided. The lot contains 2,273 square feet of land area, whereas 2,700 square feet is required for three units. A variance of 427 square feet is requested.

6. The applicant purchased the subject property in December 1974. The D.C. Department of Housing and Community Development and the U.S. Department of Housing and Urban Development jointly approved a housing loan in the amount of \$186,000 to renovate the property. Settlement occurred on August 12, 1980. This amount was based on converting the dwelling into a three-unit multiple family dwelling. When the contractor attempted to obtain necessary building and construction permits, the occupancy permit was denied because the property was large enough only to accommodate a flat.

7. The applicant testified that the \$186,000 loan was granted to her based on her income and the projected income from the two additional rental units. Without this projected income, she will be unable to meet the financial obligations of her mortgages, which would result in default and the eventual loss of her home.

8. The applicant will occupy one of the units in the subject property. The DHCD will provide the other two tenants. Two units are in the basement with separate entrances. The units are efficiency units with modern amenities including garbage disposals, dishwashers and air conditioning units. All have separate electric meters. The owner will provide the heat. The rent is estimated at \$240 to \$280 a month.

9. The Office of Planning and Development, in its report filed on April 6, 1981 recommended that the application be approved. The OPD reported that it was of the opinion that the applicant is hampered from complying with the Zoning Regulations as they apply to this case due to a practical difficulty created by the substandard size of the lot subdivided to a size of 2,273 square feet. Although the property could be used as a flat in compliance with the Regulations, the OPD was of the view that denial of a waiver from the 900 square feet of land area per unit requirement would place an undue financial hardship on the applicant, who has by all known accounts proceeded to convert her property to three rental units as sanctioned by both the D.C. and Federal Governments. The OPD noted that the 427 square foot variance request will not result in substantial detriment to the public good, but will instead add to the city's dwindling low to moderate income rental housing stock. Except for granting the variance on an undue financial hardship basis, the Board concurs in the report of the OPD.

10. Five letters were submitted to the record in support of the application from owners and one renter of property in the immediate neighborhood, including the two adjacent property owners.

11. There was no opposition to the application.

12. Advisory Neighborhood Commission - 1B made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

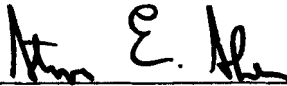
Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty that is inherent in the property itself. The Board concludes that the practical difficulty exists in the size of the lot and the fact that the subject structure was built prior to May 12, 1958 the effective date of the Zoning Regulations. The Board also concludes that the variance requested is not large. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board notes that the applicant was granted a loan from the District Government based on a use not permitted by the Zoning Regulations. The Board is greatly concerned that such a situation was allowed to occur. The Board hereby reminds the Department of Housing and Community Development that it will not look favorably on such actions, and cautions the Department that such action cannot be the basis for the granting of a variance.

Accordingly, in consideration of the findings and conclusions set forth herein, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, and Connie Fortune to GRANT; Douglas J. Patton and William F. McIntosh to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 26 MAY 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.